PATENT

ATTY. DOCKET NO.: P68924US0

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Ricky A. MASSEY et al.

Group Art Unit: 3671

Serial No.: 10/806,102

Examiner: Alicia M. Torres

Filed: March 23, 2004

For: PEPPER HARVESTER

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97(i)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

As a means of complying with the duty of disclosure under 37 CFR §1.56, and in accordance with 37 CFR §\$1.97 and 1.98, Applicant(s), through the undersigned attorney, submits this Information Disclosure Statement under 37 CFR 1.97(i). The patents, publications or other information submitted herewith are listed on the attached Form PTO-1449. A copy of each foreign patent and/or other art is attached.

Please note that no English-language equivalent of SU 1336980 is readily available.

Since U.S. Patent No. 5,287,687 is the primary reference relied upon in the Office Action mailed August 25, 2004, Applicants, through the undersigned attorneys request that the attached prior art that was cited in that patent be placed in the file of this application in accordance with 37 CFR 1.97(i). While this prior art relates to the historical development of harvesters for peppers and related agricultural products, it does not disclose structure that is anticipatory of the invention disclosed in this application. Further, this prior art does not render the invention disclosed in this application obvious to a person having ordinary skill in this art. Nevertheless, since this prior art was cited as being relevant to the invention disclosed in the primary reference cited and relied upon in the Office Action mailed August 25, 2004, it is believed appropriate to enter this prior art into the file of this application.

Respectfully submitted,

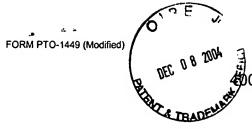
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LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT

APPLICANT: SERIAL NO.:

FILING DATE:

Ricky A. MASSEY et al.

10/806,102 March 23, 2004 GROUP ART UNIT:

3671

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TODAY'S DATE:

<u>December 8, 2004</u>

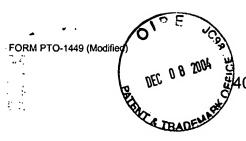
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

*EXAMINER INITIAL		
	AN	Letter of Dale Marshall, U.S.D.A., dated Jul. 12, 1988.
	AO	Dale Marshall, "A Bibliography On The Mechanical Harvesting of Capsicum Peppers And Related Subjects," 1990.
	AP	Marshall et al., "Using Air To Convey Mechanically Harvested Peppers," Transactions In Agriculture, Vol. 33(1), 1990.
	AQ	The Great Lakes Vegetable Growers News, Nov., 1986.
• 5	AR	"Pepper Progress in the 80's", American Vegetable Grower, pp. 18, 19, 22, Sep., 1986.
	AS	Marshall et al., "Influence of Certain Open Helix Variables on Pepper Damage," Transactions of the ASAE, Vol. 29, No. 3, pp. 714-778, 1986.
	АТ	Proceedings of the Int'l. Symposium on the Fruit, Nut, and Vegetable Harvesting Mechanization, 1983.
	AU	Marshall et al., "Using Air To Convey Mechanically Harvested Peppers," Paper No. 82-1063, Am. Soc. of Agricultural Engineers, 1982.
	AV	Lenker et al. "Principles For Mechanically Harvesting and Cleaning Chili Peppers," Paper No. 80-1533, Am Soc. of Agricultural Engineers, 1980.
	AW	Marshall, "Performance of a Mechanical Pepper Harvester," ASAE Paper No. 79-1062, undated.
	AX	Marshall, "Estimates of Harvested Acreage, Production and Grower Value For Peppers Grown in the United States," 1976.
2.	AY	"Mechanizing the Harvest," U.S.D.A., Jan., 1975.
	AZ	"Mechanical Harvester For Pimiento and Bell Pepper" pp. 10-11, undated.

EXAMINER	DATE CONSIDERED

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GROUP ART UNIT: 10/806,102 ATTY. DOCKET NO.:

SERIAL NO.: March 23, 2004 TODAY'S DATE: December 8, 2004 FILING DATE:

U.S. PATENT DOCUMENTS

DOCUMENT SUB-FILING DATE *EXAMINER NUMBER DATE NAME CLASS **CLASS** INITIAL (If Appropriate) 3,587,216 06/1971 Grether et al. AA AB 3,800,518 04/1974 Baggiolini et al. 7/1980 Bobard et al. AC 4,214,427 AD 4,257,217 03/24/81 McClendon 09/06/83 Watenpaugh AE 4,402,175 10/15/85 Cosimati **AF** 4,546,602 4,813,216 03/1989 Day et al. AG 4,965,993 10/1990 Butler et al. AH ΑI 5,210,999 05/18/93 Cosimati AJ 6,003,293 12/21/99 Boese 06/07/01 AK 2001/0002682 A1 Boese 2002/0069633 A1 06/13/02 Yoder et al.

FOREIGN PATENT DOCUMENTS

*EXAMINER		DOCUMENT				SUB-	Translation	
		NUMBER	DATE	COUNTRY	CLASS	CLASS	(Yes)	(No)
7	AM	1336980	09/1987	U.S.S.R.				X
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						<u> </u>		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).